

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Hy-Ko Products Company, et al.,)	
)	CASE NO. 5:08 CV 1961
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
The Hillman Group, Inc.,)	
)	
Defendant.)	
)	

The Court previously granted plaintiffs leave to respond to defendant's motion to file a second amended answer to include counterclaims of infringement by plaintiffs of U. S. Patent No. 6,064,747 (the '747 Patent). *See* ECF 32. Subsequently, plaintiffs moved for leave to file a second amended complaint to add the '747 Patent. *See* ECF 34. The parties' separate motions to add the '747 Patent are based on their position that the '747 Patent involves the same parties and key cutting products as the patent which is the original subject of this lawsuit, U.S. Patent No. 7,114,894.

Both motions were filed within the time allowed by the Court to amend pleadings. Plaintiffs' motion to file a second amended complaint (ECF 34) is GRANTED. Plaintiffs should file their second amended complaint by May 11, 2009.

(5:08 CV 1961)

Defendant's motion for leave to file a second amended answer is also granted, however, defendant's answer to plaintiffs' second amended complaint when it is filed will render defendant's motion to file a second amended answer (ECF 32) moot.

IT IS SO ORDERED.

May 4, 2009
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge